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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHEN, TSE W

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 07/12/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,326

Applicant(s)

KEDIA ET AL.

Examiner

Tse Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20 and 22-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-20 and 22-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment A and Terminal Disclaimer dated February 24, 2004.

2. Claims 1, 3-20, 22-28 are presented for examination. Applicant has canceled claims 2 and 21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Re Claims 1, 3, 7, and 9-12

4. Claims 1, 3, 7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al., U.S. Patent 6240521, hereinafter Barber, in view of Kabelshkov, U.S. Patent 6108663.

5. Barber was cited as prior art in the previous Office Action.

6. In re claim 1 Barber discloses a method comprising:

- Transitioning a processor [high speed processor 42] of a computer system [40] into a low power mode [sleep] [col.4, ll.4-12], the system having a memory [RAM], a disk drive unit [DISK], and a shared database [shared memory system 50; col.3, ll.40-45].

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- After the processor has transitioned into the low power mode, accessing data contained within the shared database of the computing system, via a low-power subsystem [low power processor 44] [col.4, ll.13-22].

7. Barber did not disclose expressly the database storing at least a partial copy of data stored in the disk drive unit.

8. Kabelshkov discloses a system [10] having a memory [31], a disk drive unit [34], and a shared database [relational database], the database to store at least a partial copy of data stored in the disk drive unit [col.4, ll.54-61; database in disk is copied to memory 31].

9. It would have been obvious to one of ordinary skill in the art, having the teachings of Barber and Kabelshkov before him at the time the invention was made, to use the database as taught by Kabelshkov for the system disclosed by Barber as the database taught by Kabelshkov is well known to be suitable for use in the system of Barber. One of ordinary skill in the art would have been motivated to make such a combination as it provides an efficient way to access data [col.4, ll.50-56].

10. As to claim 3, Barber discloses the data contained in the computing system includes multimedia data [col.1, l.65 -- col.2, l.1; multimedia presentations operates with multimedia data].

11. As to claim 7, Barber discloses presenting the data accessed to a user [col.1, l.65 - col.2, l.1; col.2, ll.13-14; data accessed for either multimedia presentation or word processor are presented to user].

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12. As to claim 9, Barber discloses the data is displayed [col.1, l.65 -- col.2, l.1; col.2, ll.13-14; data accessed for either multimedia presentation or word processor are displayed to user].

13. In re claim 10, Barber discloses a computing system [40] comprising:

- A central processing unit [high speed processor 42].
- A low-power subsystem [low power processor 44] having a second processing unit [low power processor 44] and a database [col.3, ll.40-45], the low-power subsystem to be in operation when the central processing unit enters a low power mode [sleep] [col.4, ll.13-22].

14. Barber did not disclose expressly the database storing at least a partial copy of data stored in the disk drive unit or discuss the interconnection of the devices.

15. Kableshkov discloses a computing system [10] comprising:

- A central processing unit [host processor 30].
- A memory device [31] coupled to the central processing unit [fig.2].
- A disk drive unit [34] coupled to the central processin unit [fig.2].
- A shared database [31] coupled to the disk drive unit [col.4, ll.52-56].
- A subsystem [coprocessor 40] having a second processing unit [database engine 44] and a database [31] coupled to the disk drive unit [34] [fig.2], the database to store at least a partial copy of data stored in the disk drive unit [col.4, ll.54-61].

16. It would have been obvious to one of ordinary skill in the art, having the teachings of Barber and Kabelshkov before him at the time the invention was made, to use the database and interconnections as taught by Kabelshkov for the system disclosed by Barber as the database and interconnections taught by Kabelshkov is well known to be

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suitable for use in the system of Barber. One of ordinary skill in the art would have been motivated to make such a combination as it provides an efficient way to access data [col.4, ll.50-56].

17. As to claim 11, Barber discloses a housing unit containing the central processing unit and the low-power subsystem [col.2, ll.20-26; contain the two processors within a single notebook computer].

18. As to claim 12, Barber discloses the data contained in the computing system includes multimedia data [col.1, l.65 -- col.2, l.1; multimedia presentations operates with multimedia data].

Re Claims 4-5, 8, 13-15 and 17-19

19. Claims 4-5, 8, 13-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber and Kabelshkov as applied to claims 1 and 10 above, and further in view of Ditzik, U.S. Patent 5983073.

20. Ditzik was cited as prior art in the previous Office Action.

21. In re claim 4, Barber and Kabelshkov discloses every limitation of the claim as discussed above in reference to claim 1. Barber and Kabelshkov did not discuss accessing data from a network.

22. Ditzik discloses a computer system [fig.1] comprising a memory [40] and a disk drive unit [mass storage device 42]. The method of operating the system comprising accessing data from a network [external wide area communications networks 33; col.6, ll.22-27].

23. It would have been obvious to one of ordinary skill in the art, having the teachings of Ditzik, Barber and Kabelshkov before him at the time the invention was made, to

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modify the method taught by Barber and Kabelshkov to include accessing the network as taught by Ditzik, in order to obtain the computer system capable of accessing data from a network via the low power subsystem. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to extend the computer system's capabilities [Ditzik: col.2, l.33 -- col.3, l.22].

24. As to claim 5, Ditzik discloses the network is accessed using a wireless interface [wireless communication means 51; col.4, ll.53-57].

25. As to claim 8, Ditzik discloses the data is presented via an audio medium [speakers 10 and 30; col.12, ll.43-44; col.6, ll.49-51].

26. In re claim 13, Barber and Kabelshkov discloses every limitation of the claim as discussed above in reference to claim 10. Barber and Kabelshkov did not discuss accessing data from a network.

27. Ditzik discloses a computer system [fig.1] comprising a memory [40], a disk drive unit [mass storage device 42], and a wireless network interface [wireless communication means 51; col.4, ll.53-57].

28. It would have been obvious to one of ordinary skill in the art, having the teachings of Ditzik, Barber and Kabelshkov before him at the time the invention was made, to modify the system taught by Barber and Kabelshkov to include the wireless network interface as taught by Ditzik, in order to obtain the computer system capable of accessing data from a network. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to extend the computer system's capabilities [Ditzik: col.2, l.33 -- col.3, l.22].

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29. As to claim 14, Ditzik discloses the wireless network interface that connects with a local area network [col.12, ll.58-64].

30. As to claim 15, Ditzik discloses the wireless network interface that connects with a wide area network [col.12, ll.58-64].

31. As to claim 17, Ditzik discloses a wireless user interface [wireless communication means 51].

32. As to claim 18, Ditzik discloses an audio headset [earset unit 34] to receive audio data transmitted from the wireless user interface [col.8, ll.35-42].

33. As to claim 19, Ditzik discloses a cellular phone [handset unit 14] to receive data transmitted from the wireless user interface [col.5, ll.52-59].

Re Claim 6

34. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ditzik, Barber and Kabelshkov as applied to claim 4 above, and further in view of Chen et al., U.S. Patent 5590197, hereinafter Chen.

35. Chen was cited as prior art in the previous Office Action.

36. In re claim 6, Ditzik, Barber and Kabelshkov discloses every limitation of the claim as discussed above in reference to claim 4. Ditzik, Barber and Kabelshkov did not discuss the network being an electronic store.

37. Chen et al., U.S. Patent 5590197, hereinafter Chen, discloses a network [fig.1] as an electronic store [merchant processor] allowing an electronic purchase [col.4, ll.46-50].

38. It would have been obvious to one of ordinary skill in the art, having the teachings of Chen, Ditzik, Barber and Kabelshkov before him at the time the invention was made, to modify the system as taught by Ditzik, Barber and Kabelshkov to include the network

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as taught by Chen, in order to obtain an electronic store allowing an electronic purchase.

One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to extend the computer system's capabilities [Ditzik: col.2, l.33 -- col.3, l.22].

Re Claim 16

39. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barber and Kabelshkov as applied to claim 10 above, and further in view of Hollon, Jr., U.S. Patent 5768164, hereinafter Hollon.

40. Hollon was cited as prior art in the previous Office Action.

41. In re claim 16, Barber and Kabelshkov discloses every limitation of the claim as discussed above in reference to claim 10. Barber and Kabelshkov did not discuss a video display.

42. Hollon discloses a computing system [10] comprising a video display [spontaneous use display 39] to display data [col.2, ll.54-55].

43. It would have been obvious to one of ordinary skill in the art, having the teachings of Hollon, Barber and Kabelshkov before him at the time the invention was made, to modify the system taught by Barber and Kabelshkov to include the display as taught by Hollon, in order to obtain the computer system capable of displaying data. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to quickly access data without opening the computer cover [Hollon: col.2, ll.7-9].

Re Claims 20 and 22-28

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44. Claims 20 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabelshkov, Barber, Chen and Ditzik as applied to claims 1 and 3-9 above, and further in view of Fukuda et. al., U.S. Patent 4497021, hereinafter referred to as Fukuda.

45. Fukuda was cited as prior art in the previous Office Action.

46. Barber, Chen and Ditzik combined disclosed a system and method comprising of aforementioned aspects related to claimed invention as discussed above in reference to claims 1 and 3-9, with the transition to power mode determinable by software [see Barber column 2, lines 8-11]. However, none of them expressly disclose the origin of the software instructions, which may or may not be from a machine-readable storage medium such as a magnetic disk.

47. Fukuda discloses a machine-readable storage medium tangibly embodying a sequence of instructions executable by the machine to perform a method comprising of transitioning to an operating mode [col.1, ll.41-45; col.3, ll.12-17].

48. An ordinary artisan in the art at the same time the invention was made would have been motivated to look for a way to transition to a low-power mode via an external machine-readable storage medium with the computer system as disclosed by Kabelshkov, Barber, Chen and Ditzik combined in order to convenient the user by making the instruction sequence transferable from remote sites.

49. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kabelshkov, Barber, Chen, Ditzik and Fukuda to provide the capability to transition to a different power mode via a machine-readable storage medium so the user can have more control and also the option of doing a transition remotely.

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Response to Arguments

50. Applicant's arguments with respect to claims 1-3, 7, 9, and 10-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

51. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (703) 305-8580. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tse Chen
July 6, 2004



**REHANA PERVEEN
PRIMARY EXAMINER**